

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4842 OF 2004

Sukhraj Eknath Kunjir & ors. ... Applicants
versus

The State of Maharashtra ... Respondent

...

Mr. Rajiv Patil, for the Applicants.

Mr. A.S. Gadkari, A.P.P., for the Respondent.

...

WITH

CRIMINAL APPLICATION NO. 4843 OF 2004

Sandeep Kukhraj Kunjir ... Applicant
versus

The State of Maharashtra ... Respondent

...

Mr. Rajiv Patil, for the Applicants.

Mr. A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR, J.

5th November 2004

P.C.:

. Heard Counsel for the parties. Perused the record. The Applicants are named in the offence registered as CR.No. 255/2004 punishable under sections 498A, 323, 326, 504, 506 of the Indian Penal Code. Applicant in Criminal Application No.4843 of 2004 - Sandeep Kukhraj Kunjir - is the husband of deceased Hema, who has applied for anticipatory bail. Whereas, the Applicants in Criminal Application No. 4842 of 2004 are father-in-law, mother-in-law and sister-in-law respectively of deceased Hema. The F.I.R. as lodged by the father of deceased Hema does indicate the allegation of dowry demand made by the husband in the amount of Rs.25,000/- for purchase of a room. However, there is no other material to support this position. The dying declaration of deceased Hema, on the other hand, would at best suggest that she committed suicide being fed up with the domestic work she had to do at home and with the trouble given to her by her in-laws. The material which is produced before me would at best support this allegation contained in the dying declaration. The material would further indicate that the in-laws of deceased were bent upon that the couple stays separately. The couple was married in March 2003

and the deceased attempted to commit suicide on 4th October 2004 and succumbed to burn injuries on 8th October 2004. It is not in dispute that the husband tried to save the situation and in the process also suffered burn injuries and was hospitalised. Taking overall view of the matter, I find substance in the argument canvassed on behalf of the Applicants that the allegation of dowry demand contained in the first information report is afterthought. Insofar as allegation contained in the dying declaration that the deceased committed suicide on account of the fact that she was fed up with the domestic work and harassment suffered at the hands of her in-laws even assuming to be correct, something more is required to be established. Moreover, the father-in-law, mother-in-law and the sister-in-law of the deceased are already in judicial custody and are not required for custodial interrogation. So far as the husband is concerned, his presence for the purpose of interrogation can always be secured and he has assured to co-operate with the investigation of the case. Taking overall view of the matter, I am inclined to grant bail to all the Applicants before this Court on the following conditions.

(a) The Applicant in Criminal Application No. 4843 of 2004 is granted anticipatory bail on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty five thousand only) with two local sureties in the like amount.

(b) The Applicant in Criminal Application No. 4843 of 2004 shall comply with all the conditions contained in Section 438(2) of the Code of Criminal Procedure, as applicable to the State of Maharashtra.

(c) The Applicants in Criminal Application No. 4842 of 2004 are granted bail on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty five thousand only) each with two local sureties in the like amount.

(d) All the Applicants shall extend full co-operation to the investigating agency.

(e) The Applicants shall not influence

the prosecution witnesses nor shall
tamper with the prosecution evidence in
any manner whatsoever.

. Applications disposed of on the above
terms.

. Parties to act on the authenticated copy
of this Order.

(A.M.KHANWILKAR, J.)